DIRECTOR OF CENTRAL INTELLIGENCE Security Committee

SECOM-D-224

27 October 1983

25 X 1	MEMORANDUM FOR:	Executive Office of the President
•		Office of Management and Budget National Security Division (Intelligence)
25 X 1	FROM:	Chairman, Security Committee
25X1	SUBJECT:	Nondisclosure Agreements for SCI
25X1	status of the In Amendment to the prohibits implem from the rules i the Intelligence Amendment. Comm	morandum responds to your request for information on the telligence Community with regard to application of the Mathias 1984 Foreign Relations Authorization Bill (Tab A). That bill entation of any prepublication review requirement different n effect on 1 March 1983. This paper reviews the posture of Community on prepublication review vis-a-vis the Mathias ents on the legal aspects of the amendment will be provided propriate channels.
25X1	prepublication r persons in the D	w of the execution of nondisclosure agreements with eview clauses indicates that virtually all SCI-accessed epartment of Defense (DoD) and the Department of Justice (DoJ) documents. In other agencies, implementation ranges from .
	agreements with developed and mo September 1979) replaced in July requirement. In condition initia containing an expromulgated in t SCI Control Systinternal regulat	elligence Community has a long history of using nondisclosure implicit and explicit prepublication review requirements. CIA st of the Community used Form 4066 (last edition dated which contained an implicit requirement. That form was 1981 by Form 4193 (Tab B) which contained an explicit June 1982 the Intelligence Community was directed to l or continued access to SCI upon signature of an agreement plicit prepublication review requirement. This was he Director of Central Intelligence Security Policy Manual for ems dated 28 June 1982 (Tab C). Some agencies have published ions on this topic, while others require the execution of a reement under the terms of the SCI Security Policy Manual.
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- 4. The Central Intelligence Agency, based upon the SCI Security Policy Manual, requires CIA employees and assignees, contractor personnel and personnel of agencies which are not members of the National Foreign Intelligence Board (NFIB) to sign Form 4193 (9-83) (Tab D), which is a revision of the July 1981 version. Because both the 1981 form and the CIA entrance-on-duty security agreement contain prepublication review requirements, CIA is concentrating on getting persons newly approved for SCI access, those receiving additional SCI access, or those undergoing investigation or reindoctrination, to sign the 1983 form. CIA's Special Security Center administers the SCI security program for non-NFIB agencies. including, among others, the National Security Council, Department of Commerce, National Aeronautics and Space Administration and Department of the Interior. During the period July 1981 through February 1983, 27,691 persons under CIA cognizance executed Form 4193.
- The National Security Agency, by letter from its Director dated 1 February 1983 (Tab E), and an amendment to its personnel manual dated 31 January 1983 (Tab F), required all civilian employees, contractor personnel and military personnel occupying NSA billets to sign a unique NSA secrecy agreement containing a prepublication review agreement dated January 1983 (Tab G). This replaced an April 1982 NSA secrecy agreement which also contained an explicit prepublication review requirement. NSA has gotten close to 100% of their eligible personnel to sign the new form.
- The Department of State has utilized Form 4193 since the summer of 1981. Approximately 4,500 persons under the security cognizance of State. which includes the Arms Control and Disarmament Agency (ACDA) and the Agency for International Development (AID), have SCI access authorizations. these, about 2,000 have signed Form 4193 and about 500 are detailed to State from other agencies. The remaining 2,000 will over time be required to sign the new Form 4193.
- 7. The Defense Intelligence Agency (DIA), which administers SCI policy for the Department of Defense (DoD), advises that nondisclosure agreements with prepublication review clauses were mandated by a letter from the Deputy Under Secretary of Defense (Policy) on 27 August 1981. This was based on issuance to the Intelligence Community in July 1981 of Form 4193 with the explicit prepublication review requirement. Subsequently, DoD Manual 5200-17, covering SCI security, was revised to require such agreements. To date, 157,100 DoD military, civilian and contractor personnel have signed the agreements. This figure is 15% to 20% higher than the current total of Defense SCI accesses because of attrition among cleared persons.
- 8. The Department of Energy (DoE), under the mandate of the SCI Security Policy Manual, has 325 employees who have signed Form 4193, out of 600 SCIapproved personnel. Another 175 are in process for SCI approval. The Treasury Department, also relying upon the SCI Security Policy Manual, has had 1,407 of a total of 1,740 SCI-approved persons sign Form 4193. Most of these individuals are members of the U.S. Secret Service.

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- 9. The Department of Justice (DoJ) has had all SCI-accessed DoJ and Drug Enforcement Agency personnel (about 386 persons) sign both the 1981 and the 1983 models of Form 4193, the latter under DoJ Order 2620.8 dated 25 August 1983 (Tab H). (C)
- 10. The Federal Bureau of Investigation has had 830 of 1,300 SCI-accessed persons sign Form 4193 between July 1981 and February 1983. (C)

Attachments:

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Tab A: Mathias Amendment to the 1984 Foreign Relations Authorization Bill

Tab B: DCI Security Policy Manual for SCI Control Systems

Tab C: Form 4193 (7-81) Tab D: Form 4193 (9-83)

Tab E: Letter from Director, NSA dated 1 February 1983

Tab F: NSA amendment to personnel manual dated 31 January 1983

Tab G: NSA secrecy agreement containing prepublication review agreement

Tab H: DoJ Order 2620.8 dated 25 August 1983

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